

WASHINGTON DEPARTMENT OF ECOLOGY
Agricultural Burning Rule Advisory Committee Meeting
Sept. 23 10:00 – 4:00 –
Washington Department of Transportation, Spokane Office

SUMMARY

In attendance

Cindy Thompson	American Lung Association	<u>Staff</u>	
Bob Gore	Department of Agriculture	Melissa McEachron	Ecology
Michael Ingham	Alfalfa Seed Growers	Lori Isenberg	facilitator
Michael Bush	WSU- Extension		
Jay Penner	Wheat Growers		
Dave Lauer	Clean Air Authorities (BCAA)		
Jeff Schibel	Irrigated Community		
Grant Pfeifer	Department of Ecology		
Larry Cochran	WA Conservation Districts		
Tim Conner	Save Our Summers		
Bill Johnston	WSU- Crop & Soil Sciences		
Sverre Vedal, MD	Public Health, UW		

Opening

Lori Isenberg welcomed the group, gave a brief overview of the purpose of the meeting, Attendees introduced themselves. Melissa provided a recap of prior work to bring everyone up to speed on the work for this meeting. She reminded the group that they had finished their discussions on four of the five assignments the group had given Ecology for the June meeting (listed below and in the June meeting summary).

1. Ecology should produce a preamble which will outline the objectives, goals, and an understanding of the potential conflicts between farming and health concerns.
2. Rules should indicate that Ecology should monitor and use the data to determine the daily burn decision.
3. The Rules should not limit the ability to adjust to improved technology.
4. There should be a daily burn decision process in place that can be updated and improved as needed. Federal standards should be one of the considerations.
5. Ecology should consider setting a numerical standard / action level.

Lori went over the three agenda items, but explained that the main purpose of the meeting was to follow-up on the discussion of item #5 - regarding a potential numerical standard / action level. Lori reminded the group of the discussion at the June meeting related to the assignment for this meeting (from the June meeting summary):

“Grant explained how Ecology is currently making decisions without use of a numerical standard or action level, building on the lengthy presentations on monitoring and metering at the May meeting. There was much discussion regarding whether a numerical standard is needed or practical. A number of ideas on how to do it were discussed. The group eventually asked Ecology to prepare a write-up on the current process (without a numerical standard) that is used for making burn decisions for discussion for discussion at the September meeting.”

Proposed WAC Language

Lori turned the time over to Tim and Grant to discuss the proposal that Tim had brought from Save Our Summers. Tim reiterated what he had expressed in the material that was distributed to the committee the day prior. The proposal is included at the end of this summary. The comments from his letter are here:

"As a courtesy, I wanted to share with you the proposed WAC language I'll be bringing to the Ag Burn Rule Advisory Committee later this month on behalf of the Save Our Summers citizen organization.

I think it's fair to say that SOS entered this process with the hope of obtaining a PM 2.5 concentration-based "trigger" (in the range of 20 micrograms per cubic meter or less) that would be used, uniformly, to prohibit additional ag burning. I also think it's fair to say that the grower organizations are opposed to such a mechanism, and that Ecology, itself, has reservations about whether and how such a "trigger" should be applied.

The attached proposal represents an alternative concept that Save Our Summers can support. It foregoes a uniform numeric "trigger" and accepts the arguments from growers and Ecology that burn decisions should account for local baseline information on air quality, and the best judgment of regulators who can use improving forecast technology to inform daily burn calls.

I think the proposal also incorporates the desire of growers and clean air groups to avoid severe air pollution episodes. The blue colored text in language I've put in to help communicate the basis for the proposed regulation. I don't have a strong view at this point as to whether it should be part of any final WAC language."

After some discussion, Lori captured the following as key items the group felt they needed addressed:

- Why are we looking at this? What will it accomplish?
- How will it work- regulatory?
- Will it meet legal requirements?
- Are there other ways to do this than doubling?
- How much record keeping and paperwork would this require?

As part of Ecology's write-up of how Ecology makes the burn calls, Grant (and his staff) reviewed and compared what happens now with what would likely happen under Tim's proposal. Grant also had some preliminary observations and suggestions which he shared with the group (copy included at the end of this summary). The group continued their in-depth discussion related to the items listed above until 3:30. It was evident the group needed more time to discuss this before being able to come to agreement. Lori summarized the two options she was hearing from the group:

1. Action Level: The WAC should include some sort of an Action Level, such as explained in the language Grant handed out (Tim agreed to use Grant's verbiage instead of what he had brought.)
2. Narrative: There should not be any language regarding an action level or "trigger". Instead, Ecology should write a simple narrative every day explaining what decision they made regarding burning, and why.

Lori led the group through the Level of Agreement, just to get a sense of where the group stood. Lori asked them: *"If the Action Level option was used, what would be your level of agreement with it?"*

- Full agreement – two people

- Agreement with minor reservations – five people
- Agreement with significant reservations - four people
- Disagree – none

Lori then asked them: *“If the Narrative option is selected, what would be your level of agreement with it?”*

- Full agreement – one person
- Agreement with minor reservations – two people
- Agreement with significant reservations - six people
- Disagree – two

The group wrapped up by making assignment for the next meeting. Everyone was encouraged to send their information to Lori as soon as they had it ready so it could be shared prior to the meeting, if possible. The group also set a meeting for November 9, 2005.

Assignments for Oct. 21 meeting:

Ecology

- Bring information to tie concept to Best Available Science
- Add information to bar graph
- Provide a clear statement of the problem and what we are trying to do: Ecology / SOS/ Growers
- Bring sample reports for both options

Save Our Summers

- Provide a clear statement of the problem and what we are trying to do:
- Bring sample reports for both options

Growers

- Provide a clear statement of the problem and what we are trying to do:
- Bring sample reports for both options

ACTION LEVEL Option (Suggestions presented by Grant at the meeting)

(ABC) The Department of Ecology and local air pollution control authorities will make daily burn calls (during times of anticipated burning) and use metering when necessary to minimize the potential for adverse air quality impacts. Metering is a technique of limiting emission from burning at specific times and places by taking into account potential emission rates, forecasted weather (dispersion), and current and projected air quality. The daily burn decision process will consider: the potential number of burns and their expected size(s) and duration(s); recent and current ambient concentrations of pollutants; other potential emissions sources; and, evaluations and judgments about how foreseeable meteorological conditions will affect concentrations of pollutants in the air sheds. Additionally, Ecology and local air pollution control authorities making daily burn calls in areas where PM_{2.5} concentrations are regularly monitored will follow the procedures in subsection xyz below at the time of making the daily burn decision whenever any of the following conditions exist:

(1) During the most recent 24 to 36 hours, the xyz hour rolling average PM_{2.5} concentrations is or was greater than or equal to twice the air shed seasonal 24 hour average.

(2) During the most recent 24 to 36 hours, the 2 hour rolling average PM_{2.5} concentrations is or was greater than or equal to three times the air shed seasonal 24 hour average.

(XYZ) (1) In authorizing additional burns, a determination will be documented explaining that the decision to allow additional burning is not expected to result in a further significant deterioration of air quality. The determination will be entered on a standard form noting the date, time, the location of the additional burning, the size of the burn(s), and a brief explanation of the opinion as to why the additional burning is not expected to result in a further, significant reduction of air quality. The purpose of the determination and record-keeping requirements of this section is to enhance agency and public understanding of the effectiveness of the daily burn and metering decision-making process, and to improve its application over time.

(2) A notice of such determinations will be made by the agency (Ecology or local air authority) at the time of communicating the daily burn decision and the agency will periodically make past standard forms conveniently available to the public.

(3) Following a determination described in subsection xxx and a significant deterioration of air quality in the specific area during the 20 hours following such determination: Ecology or the local air pollution control authority will evaluate the deterioration and document any findings and opinions regarding why the significant deterioration occurred.

Proposal presented by Tim Connor for Save Our Summers

DRAFT /WAC 173-430-040 (d) or (e), or, if appropriate WAC 173-430-050

Requirements for calls on daily burning

Consistent with the purposes of the Act to allow agricultural burning but to regulate it in a manner that protects public health and avoids severe air pollution episodes, the Department of Ecology and air pollution control authorities formed in accordance with RCW 70.94.053 are authorized to make daily burn calls and use metering. This authorization incorporates the expectation that each burn decision must account for the expected size of the burn, its duration, ambient concentrations of pollutants at the time of the requested burn, and a judgment about how foreseeable meteorological conditions may affect concentrations of pollutants in the air shed. **It also incorporates the understanding that controlling open burning through daily burn calls/metering is imperfect and that erring on the side of caution is prudent and necessary to minimize the number of severe air pollution episodes.**

The multitude of considerations that apply to burn decisions defy application of a single, uniform action level. Therefore, the following process will be used by Ecology and regional clean air authorities in making daily burn calls in areas where emissions from agricultural burning are being regularly monitored for PM 2.5 concentrations.

(A) Ecology and air pollution control authorities will make use of available PM 2.5 data to determine the typical level of PM 2.5 concentrations for each area that is regularly affected by emissions from agricultural burning.

Should PM 2.5 concentrations reach a level that is double the typical concentration of PM 2.5 for the respective area for that time of year, Ecology or the designated air pollution control authority making daily burn decisions shall take the following steps:

- 1) In authorizing additional burns, a registration will be entered stating that the decision to allow additional burning is not expected to result in a further significant deterioration of air quality. The registration will be entered on a standard form noting the date, time, the location of the additional burning, the size of the burn(s), and a brief explanation of the opinion as to why the additional burning is not expected to result in a further, significant reduction of air quality.
- 2) A record of such registrations will be made available by Ecology and the agency will post the records on a publicly available website.
- 3) In the event that further burning (post-registration) results or contributes to a significant deterioration of air quality in the affected area, Ecology or the regional air pollution control authority shall make a record and enter an opinion as to why the significant deterioration occurred.

The purpose of the registration and record-keeping requirements of this section is to enhance agency and public understanding of the effectiveness of the daily burn and metering decision-making process, and to improve its application over time.

(B) Pursuant to RCW 70.94.473 and RCW 70.94.775, no burning shall be authorized when an air quality alert, warning, emergency or impaired air quality condition has been issued.